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C O N F I D E N T I A L SECTION 01 OF 02 KUWAIT 003412

SIPDIS

FOR G/TIP, NEA/ARPI

E.O. 12958: DECL: 07/31/2015

TAGS: PHUM PREL PGOV KCRM KU

SUBJECT: TIP UPDATE: GOK BRIEFS VISITORS ON ACTIONS TO
COMBAT TRAFFICKING

REF: A. KUWAIT 3158

1B. KUWAIT 2863

1C. STATE 108156

Classified By: CDA Matthew Tueller for reasons 1.4 (b) and (d)

11. (U) Summary: G/TIP Ambassador John Miller and Reports Officer Feleke Assefa visited Kuwait July 26-27 to assess GOK progress to combat trafficking in persons (TIP) since the June 3 release of the 2005 TIP Report, which ranked Kuwait at Tier 3. The 60-day grace period for Kuwait to demonstrate significant progress by implementing the six-point G/TIP action plan (ref C), and qualify for reclassification to Tier 2 Watch List, ends August 3. The delegation met with Ministry of Social Affairs and Labor officials and Public Authority for Youth and Sports representatives to learn about steps the GOK has taken to accomplish the action plan. A meeting with the Bangladeshi Embassy provided a source country perspective on expatriate labor issues while the Kuwait Union of Domestic Labor Offices explained how the group is working to improve conditions for maids. End summary.

Third in a Series of MOSAL Updates

12. (C) Ministry of Social Affairs and Labor (MOSAL) Acting Undersecretary Mohammed Al-Kandari briefed visiting G/TIP delegation, Ambassador John Miller and Reports Officer Feleke Assefa, and EmbOffs July 27 on steps the GOK had taken to combat human trafficking since the release of the 2005 TIP Report, which ranked Kuwait at Tier 3. Al-Kandari reported that the Ministry sent a letter to the Council of Ministers asking that the National Assembly create a law banning the use of underage camel jockeys. While a ministerial decree has prohibited the practice since March 2004, a law would allow for criminal penalties in case of violations, currently not possible under the decree. Al-Kandari could not quantify the exact number of camel jockeys in Kuwait, although he estimated the total at 50. He reiterated the Kuwaiti claim that most jockeys are children of Kuwaiti camel owners and not trafficking victims. He confirmed, however, that a parliamentary law would ban underage jockeys regardless of nationality.

13. (C) Assistant Undersecretary Adnan Al-Omar added that the underage jockey phenomenon spread to Kuwait from other GCC countries in the past three to four years after the sport became more competitive and lucrative prizes, such as new BMWs and cash, introduced. He claimed that the Ministry was not certain from where any underage jockey came and was agitated that the TIP Report listed specific source countries even though that information was unsubstantiated. Al-Omar, in an irritated tone, asked G/TIP what was the number of maid abuse cases used to determine Kuwait's Tier 3 status. "Your report says it, but I am not convinced," he said. "You have no numbers, just like us." However, as the delegation was leaving the meeting, Al-Omar thanked Reports Officer for highlighting Kuwait's trafficking problem in the Report as "it helps us to address the problem we face. What I said in the meeting was just for show," he added.

14. (C) Al-Kandari repeated that the inter-ministerial committee formed in the wake of Kuwait's Tier 3 designation (ref B), and chaired by MOSAL, recommended changes to the 1964 labor law (ref A), which would increase protections and benefits for expatriate workers; however, the law still would not extend to domestic servants. The U/S predicted that the National Assembly would approve the draft law in late 2005 or early 2006. In order for domestics to be covered by the labor law, Parliament would need to legislate the transfer of that portfolio from the Ministry of Interior (MOI) to MOSAL. He said that three MPs have already suggested the change, but no legislative action has yet occurred. In the meantime, GOK officials are studying options to enhance protections for domestic employees, including a standardized contract procedure and signing an MOU with the International Organization for Migration to establish a shelter.

Insight into Camel Jockeys

15. (U) Chairman of the Public Authority for Youth and Sports (PAYS) Shaykh Fahd Al-Jaber Al-Ahmad Al-Sabah reported that

PAYS sent a letter to the Kuwait Camel Racing Club, over which PAYS has direct jurisdiction, in May repeating a ban on camel jockeys younger than 18 and encouraging the use of robot jockeys in races. Penalties for violating the ban include withdrawing PAYS' financial support for the club, ending sponsorship of camel races, banning regional participation and, as ultimate punishment, dissolving the club.

16. (C) Shaykh Fahd stated that PAYS discovered a group of 8-9 year old camel jockeys, most of whom were Kuwaiti except for one Sudanese, one Saudi and one bidoon (stateless Arab). The Kuwaitis, he added, were all children of racing club employees or camel owners and did not receive payment but rather raced as a hobby. The Shaykh clarified that the foreign children were in Kuwait legally with their fathers; therefore, they were not trafficking victims. The Chairman said that a committee has been established to monitor the decree's enforcement. In addition, two PAYS inspectors work in the racing club and are charged to report any cases of underage jockeys. Ahmad Al-Khazal, Director of PAYS' International Relations Department, also attended the meeting.

Minister Reiterates GOK Anti-TIP Measures

17. (C) Minister of Social Affairs and Labor Faisal Al-Hajji opened a second MOSAL meeting by telling the delegation that the Tier 3 ranking "was hard to accept. We weren't against it, but it was not totally based on reality." He added that a large part of the TIP Report was formulated on theory and hearsay, not on facts or statistics, echoing comments from MOSAL officials earlier in the day. He highlighted recent MOSAL actions to combat TIP including ordering PAYS to enforce the ministerial decree banning underage camel jockeys, recommending a new labor law to the Council of Ministers and requiring companies to submit bank guarantees for all expatriate workers, which can be used to reimburse employees in case of salary non-payment. The Minister mentioned that the inter-ministerial committee was studying the implementation of a minimum wage and establishment of a shelter for maids in accordance with the TIP action plan (ref c). He ended the meeting by saying the GOK "will act and act seriously" to combat TIP.

KUDLO Claims to Work on Maids' Behalf

18. (U) After a meeting with the Bangladeshi Embassy for a source country perspective on TIP issues (septel), the delegation called on Fadel Ashkanani, Chairman of the Kuwait Union of Domestic Labor Offices (KUDLO), and General Manager Hashim Maged Mohammed. With the hopes of increasing the quality of maids and mitigating potential sources of misunderstanding and conflict between employers and domestic workers, KUDLO requires that an applicant be literate in her native language in order to qualify for recruitment, according to Ashkanani. The group already operates training centers in the Philippines and Indonesia, but Ashkanani hopes to open one in Kuwait to prepare all maids in necessary job skills before entering Kuwaiti homes. He has asked the GOK to provide appropriate real estate to build such a facility. Ashkanani estimated 12,000 maids arrive monthly in Kuwait.

19. (U) KUDLO claims to have suggested to the GOK a minimum monthly salary for maids of 40KD (\$137), which, according to Ashkanani, the Government accepted. (Comment: The GOK admits to considering a minimum wage for maids, but nothing has been approved. End comment.) Ashkanani also took credit for ending the practice of deducting recruitment costs from maids' salaries and for proposing changes to the current sponsorship system to allow agencies, rather than individuals, to sponsor maids. Lastly, the Chairman announced that KUDLO received approval from the MOI to issue employment visas directly at its offices. Following the discussion, Ashkanani gave the delegation a tour of his own agency's recruitment facility.

10. (U) G/TIP has cleared on this message.

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